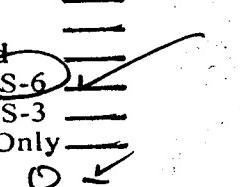


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICTOR ABEYTA, } Case No. CV 06-2173-AG (OP)
Petitioner, } JUDGMENT
vs. }
G. J. GIURBINO, Warden, }
Respondent. }

Pursuant to the Order Adopting Findings, Conclusions, and
Recommendations of the United States Magistrate Judge,

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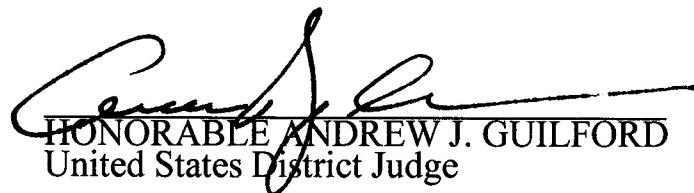
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1 IT IS ADJUDGED that Judgment be entered: (1) approving and adopting
2 this Report and Recommendation; and (2) directing that Judgment be entered
3 granting the Petition and ordering the trial court to resentence Petitioner only on the
4 California Penal Code section 12022.5(a) gun enhancement in accordance with
5 Sixth Amendment principles and consistent with the views set forth in this Report
6 and Recommendation.

7 DATED: MARCH 31, 2009



HONORABLE ANDREW J. GUILFORD
United States District Judge

10 Prepared by:
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13 HONORABLE OSWALD PARADA
14 United States Magistrate Judge
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